

REMARKS

Claims 1-20 are presented for examination. Claim 14 has been cancelled. Claim 15 has been rewritten in independent form.

Typos in claims 6 and 19 have been corrected to address the Examiner's objections.

Claims 1-17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kaszmarczyk et al. in view of Singh *et al.*

This rejection is respectfully traversed for the following reasons.

Claim 1 recites a data processing system operable with at least two types of software. The system comprises:

- a host interface for providing address, data and control signals from a host,
- a storage element for holding data accessible via the host interface, and
- alternate access circuitry for providing access to the storage element so as to access the data as a first data element in a first register when the system operates with a first type of software, and as a second data element in a second register when the system operates with a second type of software.

Hence, claim 1 requires accessing the data held in the storage element as a first data element in a first register when the system operates with a first type of software, and accessing the data as a second data element in a second register when the system operates with a second type of software.

The Examiner relies upon FIG. 6 of Kaszmarczyk for disclosing all of the claimed elements. However, the Examiner admits that Kaszmarczyk does not teach different

types of software. The Examiner asserts that "Singh teach to store a first and a second type of software in a storage element (see figure 6 - elements 302, 306 and column 8, lines 33-61.)"

Considering the reference, FIG. 6 of Kaszmarczyk shows a memory unit accessible by various memory access devices via a memory interface device.

However, the reference does not disclose providing access to the storage element so as to access the data as a first data element in a first register when the system operates with a first type of software, and as a second data element in a second register when the system operates with a second type of software, as claim 1 requires.

Further, FIG. 6 of Singh shows a computer readable media which contains various software programs.

However, Singh does not suggest accessing the data held in the storage element as a first data element in a first register when the system operates with a first type of software, and accessing the data as a second data element in a second register when the system operates with a second type of software.

Accordingly, a combination of Kaszmarczyk with Singh is not sufficient to suggest the claimed alternate access circuitry for providing access to the storage element so as to access the data as a first data element in a first register when the system operates with a first type of software, and as a second data element in a second register when the system operates with a second type of software.

It is well settled that the test for obviousness is what the combined teachings of the references would have suggested to those having ordinary skill in the art. *Cable Electric Products, Inc. v. Genmark, Inc.*, 770 F.2d 1015, 226 USPQ 881 (Fed. Cir. 1985). In

determining whether a case of *prima facie* obviousness exists, it is necessary to ascertain whether the prior art teachings appear to be sufficient to one of ordinary skill in the art to suggest making the claimed substitution or other modification. *In re Lalu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1984).

As shown above, the reference combination applied by the Examiner is not sufficient to arrive at the invention recited in claim 1.

Claim 14 has been cancelled. Claim 15 has been rewritten in independent form.

Independent claim 15 recites a network interface comprising:

-a host interface for supplying address, data and control signals from a host,
- storage element for holding a data element accessible via the host interface, and
-alternate access circuitry coupled to the storage element for providing multiple paths for accessing the data element, and configured to select a path for accessing the data element depending on a type of software used to operate the network interface.

As discussed above, the applied combination of references is not sufficient to suggest the claimed alternate access circuitry configured to select at least one of multiple paths for accessing the data element depending on a type of software used to operate the network interface.

Claims 2-13, and 16-17 respectively dependent from claims 1 and 15 are defined over the prior art at least for the reasons presented above.

Claims 18-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Singh et al. in view of Kaszmarczyk et al.

Independent claim 18 recites a method of providing access to a storage element for holding a data element, comprising the steps of:

-accessing the storage element via a first access path when a first type of software is used to operate the data processing system, and

-accessing the storage element via a second access path when a second type of software is used to operate the data processing system.

The Examiner relies upon columns 3 and 8 of Singh for disclosing the claimed steps.

Considering Singh, column 3 of the reference discloses a conventional computer system in a general form. The reference discloses various types of external interfaces. Column 8 discloses a computer readable media which contains various software programs.

However, Singh does not suggest accessing the storage element via a first access path when a first type of software is used to operate the data processing system, and accessing the storage element via a second access path when a second type of software is used to operate the data processing system.

Accordingly, the Examiner's rejection of claims 18-20 is improper.

In view of the foregoing, and in summary, claims 1-13 and 15-20 are considered to be in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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